

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

SAMMIE JOHNSON

PETITIONER

v.

No. 3:04cv106-M-B

CHRISTOPHER B. EPPS, ET AL.

RESPONDENTS

**FINAL JUDGMENT
ADOPTING REPORT AND RECOMMENDATION**

Upon consideration of the file and records in this action, the court finds that the Report and Recommendation of the United States Magistrate Judge dated February 24, 2005, was on that date duly served by mail upon the *pro se* plaintiff at his last known address; that more than ten days have elapsed since service of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated February 24, 2005, is hereby approved and adopted as the opinion of the court.

2. That the instant petition for a writ of *habeas corpus* is hereby **DISMISSED** with prejudice and without evidentiary hearing as untimely filed under 28 U.S.C. § 2244(d).

3. That this case is **CLOSED**.

THIS, the 18th day of April, 2005.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE